IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

WP(C).No. 11748 of 2007(W)

PETITIONER:

THE OONNUKAL SERVICE CO.OPERATIVE BANK LTD., NO.E 58, OONNUKAL P.O., KOTHAMANGLAM, ERNAKULAM DISTRICT, REPRESENTED BY ITS SECRETARY K.K.BINOY.

BY ADV. SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS:

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1. THE KAVALANGAD SERVICE CO-OPERATIVE BANK LTD.NO.1348, KAVALANGAD, KOTHAMANGALAM, ERNAKULAM DISTRICT, REPRESENTED BY ITS SECRETARY.

2. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), ERNAKULAM.

3. THE VILLAGE OFFICER, OFFICE OF THE VILLAGE OFFICE, NERIYAMANGALAM VILLAGE, ERNAKULAM DISTRICT.

BY ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 11748 OF 2007

Dated this the 4th day of April, 2007

JUDGMENT

Petitioner is challenging Ext.P9 order whereunder the second respondent has permitted the first respondent to open a branch in the area stated to be covered by petitioner's area of operation. Petitioner has produced it's byelaws as Ext.P1 and the byelaws of the first respondent-Society as Ext.P2 wherein the area of operation of both the societies are described. The description of area of operation in the byelaws of both the societies is such that only local people familiar with the area will understand in which village or Panchayat these lands are located. In fact precise description of area of operation with reference to boundaries of village and panchayat have to be there in the byelaws to avoid complications of this nature. The Village Officer himself is confused as is evident from the conflicting certificates he has issued. I do not think this Court can decide the matter based on the byelaws of the societies produdced by the petitioner which are absolutely vague. Since no adverse order is being issued against the

first respondent, I feel W.P. can be disposed of at the admission stage directing the second respondent to reconsider the matter in a joint meeting of the Managing Committee of both the societies. If necessary, second respondent can verify from the membership as to whether Puthencruz is covered by the petitioner's area of operation or that of the first respondent. In any case I make it clear that redefinition of area of operation of both the societies are required with reference to boundaries of Panchayats or Village instead of giving vague boundaries in the byelaws. W.P. is accordingly disposed of directing the second respondent to reconsider Ext.P9 after hearing both the petitioner and first respondent as stated above and refix the boundaries. If the area where the new branch is opened by the first respondent pursuant to Ext.P9 is predominantly covered by members of the petitioner then second respondent will order shifting of the branch of the first respondent.

(C.N.RAMACHANDRAN NAIR)
Judge